

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4, and 15-24 are pending in the present application.

In the outstanding Office Action, Claims 1-4 and 15-24 were rejected under 35 U.S.C. §102(e) as anticipated by Cloutier et al. (U.S. Patent No. 6,535,586, hereinafter Cloutier).

With respect to the rejection of Claim 15 as anticipated by Cloutier, Applicants respectfully traverse this ground of rejection. Claim 15 recites,

A mobile communication terminal, comprising:

receiving means for receiving a mail-arrival notifying signal together with a summary of an electronic mail to make a notice that said electronic mail arriving at a prescribed mail server is an urgent mail; and

transmitting means for transmitting an acquisition instructing signal to a remote information processing apparatus to instruct said information processing apparatus to acquire said urgent mail including an attached file.

Cloutier does not disclose or suggest the invention defined by Claim 15.

The outstanding Office Action takes the position that Cloutier describes that the wireless communication device 170 transmits a command to messaging system server 120 to have the messaging system server retrieve the high priority email, with attachment, from the email server 110 using POP3 or IMAP.<sup>1</sup> Applicants respectfully submit that there is no such disclosure in Cloutier. The portion of Cloutier cited to in the outstanding Office Action does not support this position.

Cloutier describes that messaging system server 120 periodically polls remote email server 110 for new messages.<sup>2</sup> If a new message has been received, a user is alerted about the new message by the messaging system server 120 by transmitting a message code to wireless

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<sup>1</sup> Office Action, page 3.

<sup>2</sup> Cloutier, col. 4, lines 45-46.

device 170. The alerting process is accomplished by using a wireless communications interface through transceiver 150a, wireless subnet 180, antenna 160b to wireless device 170 retained by the user.<sup>3</sup>

Wireless device 170 is not used to retrieve the new email after notification is received at wireless device 170. According to Cloutier, a completely different device is used, one that has no connection to wireless device 170. Cloutier does not describe or suggest that a command is sent from wireless device 170 to messaging system server 120.

Once a user receives notification of a new email, Cloutier describes how a user must use access device 190 to retrieve the new email. Access device 190 can interface with the messaging system server 120, through IVR 145, to retrieve the new email. Wireless device 170 is not involved in the email retrieval processes.

Col. 4, line 15 to col. 5, line 23, and col. 5, lines 40-60 do not discuss the process of retrieving the email message. On the contrary, these sections merely describe how messaging system server 120 contacts wireless device 170. These sections do not disclose or suggest that the wireless device 170 transmits a command to messaging system server 120 to have the messaging system server 120 retrieve an email from email server 110.

Col. 6, line 36 to col. 8, line 21 discusses the retrieval of the email message. However, this section of Cloutier includes no discussion of wireless device 170.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 15 (and any claims dependent thereon) patentably distinguishes over Cloutier.

Claim 1 recites, *inter alia*, “a mobile communication terminal configured...to transmit an acquisition instructing signal to a remote information processing apparatus in order to instruct said remote information processing apparatus to acquire said urgent email and

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<sup>3</sup> Cloutier, col. 5, lines 5-23.

attached file.” As characterized above, Cloutier does not disclose or suggest this element of Claim 1.

Applicants respectfully submit that Claim 1 (and any claims dependent thereon) patentably distinguish over Cloutier.

Claim 21 recites, *inter alia*, “receiving means for receiving an acquisition instructing signal transmitted from a remote prescribed mobile communication terminal, according to a mail-arrival notifying signal to make a notice that an electronic mail arriving a prescribed mail server is an urgent mail; and mail acquiring means for acquiring said urgent mail including an attached file from said mail server in response to said acquisition instructing signal received from said mobile communication terminal.” As characterized above, Cloutier does not disclose or suggest this element of Claim 1.

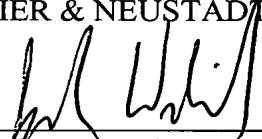
Applicants respectfully submit that Claim 21 (and any claims dependent thereon) patentably distinguish over Cloutier.

Should the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP § 714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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